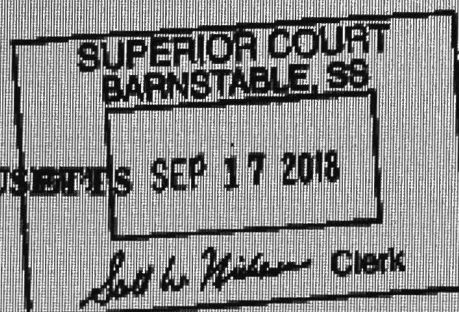


COMMONWEALTH OF MASSACHUSETTS

Superior Court Department

Barnstable County



BACR2013-80  
& 2014-189

Commonwealth

v.

Robert W. Shanahan

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Second Motion to Amend New-Trial Motion

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The defendant Robert W. Shanahan moves, under Mass. R. Crim. P. 30(c)(2), to amend the record appendix to his new-trial motion to add the affidavit of Ayanna K. Thomas, Ph. D., an eyewitness-identification expert. Dr. Thomas's affidavit supports Shanahan's argument that trial counsel's failure to investigate the research on eyewitness identifications denied him his right to the effective assistance of counsel.

Attached to this motion are an affidavit from appellate counsel as well as Dr. Thomas's affidavit and curriculum vitae.

September 14, 2018

Robert W. Shanahan

By his attorney,

A handwritten signature in black ink, appearing to read "Valerie A. DePalma".

Valerie A. DePalma  
B.B.O. No. 639890  
P.O. Box 257  
Arlington, MA 02476  
(781) 648-4518  
depalmalaw@gmail.com



COMMONWEALTH OF MASSACHUSETTS

Superior Court Department

Barnstable County

BACR2013-80  
& 2014-189

Commonwealth,  
Plaintiff

v.

Robert W. Shanahan,  
Defendant

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Affidavit of Valerie A. DePalma

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I, Valerie A. DePalma, depose and state as follows:

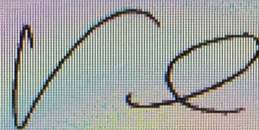
1. I am an attorney admitted to practice law in the Commonwealth of Massachusetts.
2. I submit this affidavit in support of the defendant's motion, under Mass. R. Crim. P. 30(c)(2), to supplement the record appendix to his new-trial motion with the affidavit of Ayanna K. Thomas, Ph. D.
3. I make these statements on information and belief, based on my records and files.
4. On January 19, 2018, Shanahan filed his motion for new trial under Mass. R. Crim. P. 30(b).
5. On March 9, 2018, this Court allowed Shanahan's second motion for expert funds to retain Dr. Thomas to provide an opinion regarding the eyewitness-identification issues in this case.
6. Attached to this affidavit are Dr. Thomas's affidavit and curriculum vitae.
7. Dr. Thomas's affidavit supports Shanahan's argument that trial counsel's failure to investigate the eyewitness-identification research denied him the effective assistance of counsel.
8. More specifically, the affidavit supports his argument that expert testimony was necessary to explain the research on familiarity (Thomas Affidavit at 7-8, 32; New-Trial Motion at 33-38), unconscious transference (Thomas Affidavit at 8-12, 32; New-Trial Motion at 38-39), the distorting effects on memory of social contagion and after-acquired information (Thomas Affidavit at 12-13, 26-30,



32; New-Trial Motion at 39-41), and the unreliability of social-media identifications (Thomas Affidavit at 30-32; New-Trial Motion at 41-43).

9. Accordingly, this Court should allow Shanahan's motion to supplement the record appendix to his new-trial motion with Dr. Thomas's affidavit.

Signed under penalties of perjury on September 14, 2018.



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Valerie A. DePalma  
B.B.O. 639890